

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

ISRAEL GUTIERREZ,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:05cv883-D
)	
JUDGE BRIGHT, et al.,)	
)	
Defendants.)	

ORDER

There being no objections filed to the Recommendation of the Magistrate Judge filed herein on October 5, 2005 (Doc. No. 4), said Recommendation is hereby adopted, and it is CONSIDERED and ORDERED as follows:

1. The claim challenging the constitutionality of the bond amount set by the District Court of Montgomery County, Alabama, be and the same is hereby DISMISSED with prejudice pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(ii).

2. The challenges to the criminal charge pending against Gutierrez before the state courts of Montgomery County, Alabama, be and the same are hereby DISMISSED without prejudice in accordance with the directives of 28 U.S.C. § 1915(e)(2)(B)(ii); and

3. This case be and the same is hereby DISMISSED prior to service of process pursuant to the provisions of 28 U.S.C. § 1915(e)(2)(B)(ii).

DONE this 28th day of October, 2005.

/s/ Ira DeMent
SENIOR UNITED STATES DISTRICT JUDGE